Lee Cheng Yee (suing as administrator of the estate of Chia Miew Hien, deceased) v Tiu Soon Siang (t/a Tiyor Soon Tiok & Sons Co) & Anor

HIGH COURT (KUANTAN) — CIVIL SUIT NO 23–4–89
LAMIN PCA
24 JANUARY 1998

Civil Procedure *— Pleadings — Limitation — Action for dependency claim — Whether limitation must be pleaded — Whether O 18 r 8 of the Rules of the High Court 1980 applicable to limitation provision under s 7(5) of the Civil Law Act 1956 — Whether court may award damages under s 8(5) of the Civil Law Act 1956 — Civil Law Act 1956 ss 7(5) & 8(5) — Rules of the High Court 1980 O 18 r 8*

Civil Law Act *— Limitation — Civil Law Act 1956, s 7 — Claim made beyond three-year period — Limitation not pleaded in statement of defence — Whether claim barred by limitation — Whether limitation must be pleaded — Whether O 18 r 8 of the Rules of the High Court 1980 applicable to limitation provision under s 7(5) of the Civil Law Act 1956 — Whether court may award damages under s 8(5) of the Civil Law Act 1956 — Civil Law Act 1956 ss 7(5) & 8(5) — Rules of the High Court 1980 O 18 r 8*

Limitation *— Pleading — Action for dependency claim — Claim made beyond three-year period — Limitation not pleaded in statement of defence — Whether claim barred by limitation — Whether limitation must be pleaded — Whether O 18 r 8 of the Rules of the High Court 1980 applicable to limitation provision under s 7(5) of the Civil Law Act 1956 — Whether court may award damages under s 8(5) of the Civil Law Act 1956 — Civil Law Act 1956 ss 7(5) & 8(5) — Rules of the High Court 1980 O 18 r 8*

The plaintiff's wife ('the deceased') died in an accident which took place on 13 March 1983. The defendants conceded that liability on their part was 100%. The plaintiff applied to the court for an assessment of damages due to him as the administrator of the estate of the deceased and asked the court to make an award under s 7 of the Civil Law Act 1956 ('the Act'). The writ and the statement of claim were filed on 2 February 1989. The defendants contended that if the claim under s 7 was to succeed, it must be filed within three years from the date of the accident. The plaintiff argued that limitation was not pleaded in the statement of defence and thus contravening O 18 r 8 of the Rules of the High Court 1980 ('the RHC').

The deceased was earning S$1,000 and contributed 70% of her income to the family's living expenses. However, at the time of the accident, she was unemployed. The couple had a child and after the accident, the plaintiff's mother looked after the child and the plaintiff gave his mother RM400 per month for the care of the child.

Held, claim under s 7 barred by limitation but damages awarded under s 8 of the Act:

For the purpose of the present case, the court was dealing with the limitation provision under the Act and was not concerned with the provisions of the Limitation Act 1953. Where there are exceptions to the operation of a limitation provision as in the Limitation Act, the plaintiff need not plead them until the defence of limitation has been raised on the pleadings by the defendant. Only in those situations O 18 r 8 will apply. However, s 7(5) of the Act contains no exceptions and it is absolute in nature and so the requirement that it be pleaded does not arise. To satisfy O 18 r 8 of the RHC, the plea on limitation must be expressed in the pleading and it is only in respect of a limitation that is not absolute such as one under the Limitation Act. Clearly, O 18 r 8 of the RHC does not apply to the limitation provision under s 7(5) of the Act. The claim for dependency under s 7 must therefore fail and the deceased's contribution to the family's living expenses could not be considered even if there was evidence or proof to that effect (see pp 258D and 259D–I); *Kuan Hip Peng v Yap Yin & Anor* [1965] 1 MLJ 252 followed.

In the present case, no evidence was forthcoming to substantiate the claim. The deceased was not even gainfully employed at the time of the accident. Also the contribution by the plaintiff made to his mother in looking after his child could not be considered. Apart from being barred by limitation, the child had not been made a party to the suit and was not even mentioned anywhere in the statement of claim. The claim for damages for bereavement must also fail because apart from being struck by the limitation period, a claim for bereavement could not succeed as this was a case before the amendment which only took effect from 1 October 1984.

However, for the reasons that the limitation must operate against the plaintiff's claim under s 7, and by virtue of s 8(5), the plaintiff had a legal right to take advantage of the estate which the court ought to consider in the interest of justice. For the estate claim, two items may be considered, ie loss of expectation and for lost years. In the present case, the deceased was 27 at the time of the accident and the figure RM6,000 was a reasonable figure. On the issue of loss of earnings, the plaintiff would not be entitled as the deceased was unemployed at the time of the accident and in fact had not been employed for one year before the accident. Special damages was awarded at RM1,938 as agreed by the parties (see pp 260A–E, 261H–I and 262A–B).

[Bahasa Malaysia summary

Isteri plaintif ('si mati') telah meninggal dunia dalam kemalangan yang berlaku pada 13 Mac 1983. Defendan-defendan mengakui bahawa liabiliti pada pihak mereka adalah 100%. Plaintif memohon kepada mahkamah untuk taksiran ganti rugi yang harus dibayar kepadanya sebagai pentadbir harta pusaka si mati dan meminta mahkamah membuat satu award di bawah s 7 Akta Undang-Undang Sivil 1956 ('Akta tersebut'). Writ dan pernyataan tuntutan difailkan

pada 2 Februari 1989. Defendan-defendan menghujahkan bahawa untuk berjaya dalam tuntutan di bawah s 7, ia mestilah difailkan dalam tempoh tiga tahun dari tarikh kemalangan. Plaintif menghujahkan bahawa had masa tidak dirayu dalam pernyataan pembelaan dan justeru itu melanggar A 18 k 8 Kaedah-Kaedah Mahkamah Tinggi 1980 ('KMT').

Si mati berpendapatan S$1,000 dan menyumbang 70% daripada pendapatannya kepada belanja hidup keluarga. Namun demikian, pada masa kemalangan berlaku, dia menganggur. Pasangan itu mempunyai seorang anak dan selepas kemalangan, ibu plaintif menjaga anak dan plaintif memberikan ibunya RM400 sebulan untuk menjaga anak.

Diputuskan, tuntutan di bawah s 7 dihalang oleh had masa tetapi ganti rugi diawardkan di bawah s 8 Akta tersebut:

Untuk tujuan kes ini, mahkamah berurusan dengan peruntukan had masa di bawah Akta tersebut dan tidak mementingkan peruntukan-peruntukan Akta Had Masa 1953. Di mana terdapat kekecualian kepada operasi suatu peruntukan had masa seperti dalam Akta Had Masa, plaintif tidak perlu memplidkannya sehingga pembelaan had masa dibangkitkan atas pliding oleh defendan. Hanya dalam keadaan demikian barulah A 18 k 8 terpakai. Walau bagaimanapun, s 7(5) Akta tersebut tidak mengandungi sebarang kekecualian dan ia adalah mutlak dan dengan itu keperluan bahawa ia diplidkan tidak timbul. Untuk memenuhi A 18 k 8 KMT, rayuan atas had masa mestilah dinyatakan dalam pliding dan ia hanyalah berkaitan dengan had masa yang tidak mutlak seperti yang di bawah Akta Had Masa. Dengan jelas, A 18 k 8 KMT tidak terpakai kepada peruntukan had masa di bawah s 7(5) Akta tersebut. Tuntutan untuk penanggung di bawah s 7 dengan itu mesti gagal dan sumbangan si mati kepada belanja hidup keluarga tidak boleh dipertimbangkan sekalipun terdapat keterangan atau bukti yang menunjukkannya (lihat ms 258D dan 259D–I); *Kuan Hip Peng v Yap Yin & Anor* [1965] 1 MLJ 252 diikut.

Dalam kes ini, tiada keterangan dikemukakan bagi mengesahkan tuntutan. Si mati tidak pun digaji dalam pekerjaan yang menguntungkan sewaktu kemalangan. Juga sumbangan oleh plaintif kepada ibunya dalam menjaga anaknya tidak boleh dipertimbangkan. Selain daripada dihalang oleh had masa, si anak tidak dijadikan suatu pihak kepada guaman dan tidak pun disebut di mana-mana dalam pernyataan tuntutan. Tuntutan untuk ganti rugi kematian juga mesti gagal kerana selain daripada dihalang tempoh had masa, satu tuntutan untuk kematian tidak mungkin berjaya kerana ini merupakan kes sebelum pindaan yang hanya mula berkuatkuasa dari 1 Oktober 1984.

Namun demikian, untuk sebab-sebab yang diberikan bahawa had masa mesti beroperasi terhadap tuntutan plaintif di bawah s 7, dan bahawa disebabkan s 8(5), plaintif mempunyai hak undang-undang untuk mempergunakan harta pusaka yang mana mahkamah patut pertimbangkan dalam kepentingan keadilan. Untuk tuntutan

harta pusaka, dua benda boleh dipertimbangkan, iaitu kehilangan jangka hidup dan untuk 'lost years'. Dalam kes ini, si mati berumur 27 tahun pada masa kemalangan dan angka RM6,000 adalah angka yang munasabah. Mengenai isu kehilangan mata pencarian, plaintif tidak berhak menuntut kerana si mati menganggur pada masa kemalangan dan pada hakikatnya tidak bekerja selama setahun sebelum kemalangan. Ganti rugi khas sebanyak RM1,938 diawardkan seperti yang disetujui oleh pihak-pihak (lihat ms 260A–E, 261H–I dan 262A–B).]

[*Editorial Note*: The plaintiff filed an appeal to the Court of Appeal on 6 February 1998.]

Notes

For cases on pleading a limitation point, see 1 *Mallal's Digest* (4th Ed, 1995 Reissue) paras 2290–2295; 2 *Mallal's Digest* (4th Ed, 1994 Reissue) paras 2602–2608 and 9 *Mallal's Digest* (4th Ed, 1995 Reissue) paras 1873–1885.

Cases referred to

Benham v Gambling [1941] AC 157 (refd)
Flint v Lovell [1935] 1 KB 354 (refd)
Koo Wah & Anor v Wong Ying Choon & Anor [1965] 2 MLJ 21 (refd)
Kuan Hip Peng v Yap Yin & Anor [1965] 1 MLJ 252 (folld)
Lee Sai Cheong v Wan Lim Cheong [1962] MLJ 259 (refd)
Seenivasan & Anor v Lim Yew Seng [1961] MLJ 22 (refd)
Teoh Kim Seng v Hassan bin Mohamed & Anor [1987] 2 MLJ 209 (refd)

Legislation referred to

Civil Law Act 1956 ss 7(5), 8(5)
Limitation Act 1953

Bastian Pius Vendargon (*Vendargon & Partners*) for the plaintiff.
Jagjit Singh (*Jagjit Singh & Co*) for the defendant.

Lamin PCA: This is a claim as a result of a motor accident which took place on 13 March 1983 at about 9.45am at or about 8th milestone Jalan Mersing Endau. The plaintiff (SP1) was then driving a motorcar Registration No JAM 2541 from Kuantan to Johore. At about that time, the second defendant was driving a motor lorry Registration No TD 9278 belonging to the first defendant from Johore to Kuala Terengganu, that is to say from the opposite direction and collided into the plaintiff's motorcar.

Before the commencement of the trial, learned counsel for the defence conceded that liability on the part of the defence was 100%. The only thing for me to do now is to assess the damages due to the plaintiff as administrator of the estate of his deceased wife, Chia Miew Hien. The plaintiff was with his wife Chia Miew Hien in the car and she died instantly in the accident due to massive head injury.

The deceased was a graduate from the Royal Melbourne Institute of Technology, Australia. She graduated in Applied Science, majoring in Computer Science. Immediately upon graduation she worked in Australia for about six months with a company called SKF Australia (Sales) Pty Ltd. Upon returning to Malaysia, she was employed in Singapore beginning about the month of August 1981 by United Engineers (Singapore) Pte Ltd as evidenced by the letter of offer from the said company (see NAD p 1) with a salary of S$1,000 pm to begin with. She had to have a work permit and it was approved (P9 is the approval letter dated 14 July 1981). She started working on 3 August 1981. She stopped work some time in February 1982. Their first and only child, according to SP1, was born on 20 November 1982. At the time of the accident, the child was about 3½ months. The deceased had been looking after the baby before her death. After the accident, SP1's mother looked after the baby and she still continues to look after the child. SP1 has been giving his mother on the average of RM400 pm for the care of the child.

SP1 has been working as a planter with Sime Darby Plantations since May 1981. As he has been subjected to transfer to the various Sime Darby estates some of which are found in the remote parts of the country, he found it not practical to raise a baby or child in any of those estates. He therefore left his child (daughter) with his mother in Kuantan. He visited her frequently and at the time of the trial, she was schooling in Kuantan.

In cross-examination, SP1 agreed that his wife, the deceased, was retrenched on 15 February 1982 because of recession in Singapore. She worked with United Engineers from 3 August 1981 to 15 February 1982. Therefore, at the time of the accident she was unemployed. SP1 agreed.

At the time of the accident, SP1 said that possibly he was earning RM1,600 pm.

At the time of the trial, SP1's daughter was in Std IV in the Methodist Primary School, Kuantan.

SP1's take-home pay as Sr Assistant Manager (at the time of the trial) was RM3,300 pm. When the deceased was working, she contributed 70% of her income to the family's living expenses and the balance 30% for herself.

Encik Vendargon, learned counsel for the plaintiff submitted that the deceased was earning $1,000 Singapore dollars and on conversion to Malaysian dollars it would be RM1,500 pm. He was asking the court to make the award under s 7 of the Civil Law Act 1956. But as was submitted by En Jagjit, learned counsel for the defendant, if the claim under s 7 was to succeed, it must be filed within three years from the date of the accident. The accident occurred on 13 March 1983 while the writ and the statement of claim were filed almost five years and eleven months later, ie on 2 February 1989.

Subsection (5) of s 7 states:

> (5) Not more than one action shall be brought for and in respect of the same subject matter of complaint, and every such action shall be brought within three years after the death of the person deceased.

Encik Vendargon's answer was that limitation was not pleaded in the statement of defence and cited *Mallal's Supreme Court Practice* (2nd Ed) at p 196 on the full effect of O 18 r 8 of the Rules of the High Court 1980 ('the RHC').

Order 18 r 8(1) reads:

> (1) A party must in any pleading subsequent to a statement of claim plead specifically any matter, for example, performance, release, any relevant statute of limitation, fraud, or any fact showing illegality — ... .

Page 196 of *Mallal's Supreme Court Practice* reads:

> Limitation: There is an obligation imposed by the law of procedure in this country requiring the party relying upon the statute of limitation, specifically to plead it, and failure to do so robs him of the value of the statute. It is no part of the duty of the court to take notice of the statute of limitation unless it is specifically pleaded.

It must be remembered that for the purpose of the present case, we are dealing with the limitation provision under the Civil Law Act 1956. We are not concerned with the provisions of the Limitation Act 1953. Thomson LP (as he then was) delivering the judgment of the Federal Court in the case of *Kuan Hip Peng v Yap Yin & Anor* [1965] 1 MLJ 252 explained the difference in application between the two statutes. The brief facts of the case are as in the headnote and I now repeat for convenience:

> The plaintiff-appellant suing by his next friend claimed compensation under the Civil Law Ordinance for loss arising from the death of his father as a result of the alleged negligent driving of a motor vehicle owned by the first respondent and driven by the second respondent. The writ was issued four days after the expiry of the period of three years prescribed in s 7(5) of the Ordinance. No defence was filed but the respondents applied by summons for the writ to be struck out under O 25 r 4 on the ground that the claim endorsed on it was frivolous and vexatious and an abuse of the process of the court. The trial judge made an order dismissing the suit and the appellant appealed. The grounds of appeal were that the application to strike out was premature as it was made before the defence was filed and in particular that no such order should have been made on the application of a defendant who wished to take advantage of a statute of limitations.

The Federal Court dismissed the appeal and Thomson LP (as he then was) said (at pp 254–255):

> Now it is clear from the general course of reasoning upon which it is based and from the reference to the Real Property Limitation Acts that the case of *Dismore v Milton* [1938] 3 All ER 762 has no application in relation to a Statute of Limitations which is absolute and without exceptions.
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> Where there are exceptions which would affect the operation of the statute, it is clear that a plaintiff need not plead them until the defence of limitation has been raised on the pleadings by the defendant (see *Dawkins v Penrhyn* (1878) 4 App Cas 51, *Busch v Stevens* [1963] 1 QB 1).
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> But that is not the position in the present case. The terms of s 7(5) of the Civil Law Ordinance are absolute and contain no exceptions. They are that 'such action shall be brought within three years after the death of the

A deceased person'. It is true that, as Goddard LJ said with reference to the corresponding section of the English Act, the section 'merely prescribes a period of limitation' (*Lubovsky v Snelling* [1944] 1 KB 44) and that it does not contain a condition precedent or anything of the sort. Nevertheless, the period is absolute. There is no room for doubt as to when it begins to run. It runs from the death of the person of whose support the plaintiff has been B deprived. The cause of action arises on death (see *Seward v 'Vera Cruz'* (1884–5) 10 App Cas 59). There are none of the saving provisions in favour of a plaintiff that were found in the Statute of James I and are to be found today in the English Limitation Act of 1939 or our own Limitation Ordinance of 1953. There is no question of infancy or disability or anything of the sort or of acknowledgment. The only way in which the consequences of the C section could be avoided would be if there had been some agreement not to plead the statute and this would constitute a new cause of action (*Lubovsky v Snelling*, supra) and would require to be set out in the statement of claim.

Finally, there can be no question of importing into the matter any of the saving provisions of the Limitation Ordinance by any process of construction for by s 3 of that Ordinance it 'shall not apply to any action ... D for which a period of limitation is prescribed by any other written law'.

So where there are exceptions to the operation of a limitation provision as in the Limitation Act, the plaintiff need not plead them until the defence of limitation has been raised on the pleadings by the defendant. Only in those situations O 18 r 8 will apply. But as was pointed out by Thomson E LP (as he then was), s 7(5) of the Civil Law Act contains no exceptions and it is absolute in nature and so the requirement that it be pleaded does not arise. It may be argued, however, that the facts in *Kuan Hip Peng* are not on all fours with those in the present case. In both cases, the writ was filed after the expiry of the period of three years prescribed in s 7(5) of the F Civil Law Act. In *Kuan Hip Peng*, no defence was filed but the respondents applied by summons for the writ to be struck out under O 25 r 4 of the Rules of Supreme Court 1957 on the ground that the claim was frivolous and vexatious and an abuse of the process of the court. The supporting affidavit provided the basis for the application and it stated thus:

G The action commenced by the writ of summons herein must necessarily fail because it was not brought within three years after the death of the deceased person in question.

In the case before me, a statement of defence was filed but no limitation period was pleaded as a defence. Learned counsel for the defendant/respondent pleaded limitation only from the bar table. To satisfy O 18 r 8 H of the Rules of High Court 1980, the plea on limitation must be expressed in the pleading and under *Kuan Hip Peng* it is only in respect of a limitation that is not absolute such as one under the Limitation Act. Clearly, O 18 r 8 of the RHC does not apply to the limitation provision under s 7(5) of the Civil Law Act.

I The claim for dependency under s 7 must therefore fail. That would mean that the deceased's contribution to the family's living expenses about 70% of her monthly income as claimed by SP1 cannot be considered even if there was evidence or proof to that effect.

In the present case, no evidence was forthcoming to substantiate the claim. She was not even gainfully employed at the time of the accident. Also the contribution of about RM400 by SP1 made to his mother in looking after his child cannot be considered. Apart from being barred by limitation, the child has not been made a party to the suit and was not even mentioned anywhere in the statement of claim. The claim for damages for bereavement must also go. Apart from being struck by the limitation period, claim for bereavement cannot succeed as this is a case before the amendment which only took effect from 1 October 1984.

Encik Jagjit submitted that the plaintiff's counsel only opted for dependency claim under s 7 of the Civil Law Act as he has abandoned the estate claim under s 8. It was not clear whether he has abandoned completely the estate claim because what he said was that since it was felt that the claim under s 7 would be greater in amount he would therefore be asking for s 7 to apply. He never anticipated that the claim under s 7 would be struck down by the limitation provision under s 7(5). In fact, from his submission, he was confident that his claim under s 7 would succeed as limitation was not pleaded in the defence. For the reasons I said above that the limitation must operate against his claim under s 7, and by virtue of sub-s (5) of s 8, he has a legal right to take advantage of the estate claim which in the interest of justice I ought to consider.

For the estate claim, two items may be considered, namely:

(a) loss of expectation of life; and

(b) for lost years.

The rationale for allowing damages for loss of expectation of life was discussed by the Court of Appeal in England in the case of *Flint v Lovell* [1935] 1 KB 354 where a 69 year old man was knocked down by a car driven by a lady. At the time of the accident, he was 69 but he was 70 at time of the trial. According to medical testimony at the trial, he was not expected to live for long, 'probably something under a year'. But Green LJ came to the conclusion that this rule had no application in a case where the plaintiff was still alive at the date of the trial. It would not be assessed, for example on the basis that the mental pain and suffering had been increased by the prospect of his early death but simply that his life has been shortened by the accident. It must be the natural and direct result of the accident.

In *Seenivasan & Anor v Lim Yew Seng* [1961] MLJ 22, the trial judge awarded $3,500 for loss of expectation of life and it was upheld by the Court of Appeal. The deceased was a married woman and her husband was suing as the administrator of her estate.

In *Lee Sai Cheong v Wan Lim Cheong* [1962] MLJ 259, the plaintiff was the father and administrator of the estate of the son named Wan Thai Thong who was 19 years of age at the time of the accident. For loss of expectation of life under s 8, the trial judge awarded $5,000. The deceased was a pupil in the commercial class of the Anderson School, Ipoh. On appeal to the Court of Appeal, Thomson CJ (as he then was) wrote the leading judgment of the court where he reviewed some of the early English

A cases, among which were *Flint v Lovell* [1935] 1 KB 354 and *Benham v Gambling* [1941] AC 157. Viscount Simon sitting in the Court of Appeal in *Benham v Gambling* said that the thing to be valued was not the prospect of length of days 'but the prospect of a predominantly happy life'. Thomson CJ then had this to say (at p 261):

> B With great respect, I would express the view that that case may be regarded as establishing three things. The first is that loss of expectation of life in so far as it is a loss must be regarded as mainly consisting in loss of happiness and happiness is something that is incapable of measurement or evaluation in terms of money. The second is that having regard to the fundamental human decencies, any compensation which is given in this connection C should be moderate. The third is that the case is a clear invitation by the House of Lords to courts trying the issue to forego the exercise to the ordinary extent of their discretion and accept some sort of conventional measure of damages. This invitation has been accepted by the Courts in England where, since 1941, damages under this head have varied from a minimum of £100 to a maximum of £500 as shown in the table in *Bingham's* D *Motor Claims Cases* (4th Ed at p 428). The latest reported case is that of *Wise v Kaye* [1962] 2 WLR 96 where Sellers LJ refers (at p 101) to an award of £400 for loss of expectation of life as bearing 'reference to the conventional figure, as it has become, under the decision of the House of Lords in *Benham v Gambling*'.
>
> Here and in Singapore, the amounts awarded in the past have varied E from $1,000 to $3,500.

Finally, Thomson CJ said (at p 262):

> I would say that in this country at the present time, this court should express the view that the conventional figure in the case of a young adult should be $3,000 and that view should be accepted by judges.

F In 1965, in the case of *Koo Wah & Anor v Wong Ying Choon & Anor* [1965] 2 MLJ 21, the court awarded for loss of expectation of life to the estate of a young adult of the age between 18 and 21 the sum of $3,000. In the case of *Teoh Kim Seng v Hassan bin Mohamed & Anor* [1987] 2 MLJ 209, the Supreme Court thought the reasonable figure should be $6,000 G and not $4,000 as assessed by the trial judge for a 12 year old boy. The deceased died in 1981 and therefore the 1984 amendment to s 8 does not apply and so the award for loss of expectation can still be made.

In the present case, the deceased was 27 at the time of the accident (1983). I would assess the figure as RM6,000 being a reasonable figure.

H On the issue of loss of earnings, the plaintiff would not be entitled as the deceased was unemployed at the time of the accident and in fact had not been employed for one year before the accident.

With regard to special damages, both parties agreed at the trial as to quantum and I now repeat them:

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(a) Funeral	—	RM	1,500
(b) Fee for applying for Letter of Administration	—	RM	350

(c) Costs of police report, RIMV report post-mortem report, etc — RM 88

In the present case, I shall allow only the following and order accordingly:

(a) Special damages (as agreed) — RM 1,938

(b) All claims for general damages under s 7 of the Act including for bereavement are dismissed — –

(c) General damages under s 8 of the Act:
(i) for loss of expectation of life — RM 6,000
(ii) for loss of earnings is dismissed — –

(d) Interest:
(i) at 4% pa on special damages from date of accident to date of judgment and thereafter until realization at 8% pa.
(ii) at 8% pa for lost of expectation of life from service of writ to realization

(e) Costs.

Order accordingly.

Reported by Jafisah Jaafar